UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,522	07/24/2001	William J. Bushee	21-0851	4232

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ART UNIT	PAPER NUMBER
2162	

DATE MAILED: 10/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _21 May 2004_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-20_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-20_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to Amendment filed on 21 May 2004. Claims 1-20 are pending

in this Office Action.

Claim Objections

2.   Claim 15 is objected to because of the following informalities: misspelling the phrase "a

configuration module ... <u>tha</u> a single user ...". Appropriate correction is required.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making
> and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it
> pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode
> contemplated by the inventor of carrying out his invention.

4.   Claims 8, 17 and 18 are rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the written description requirement. The claim(s) contains subject matter which

was not described in the specification in such a way as to reasonably convey to one skilled in the

relevant art that the inventor(s), at the time the application was filed, had possession of the

claimed invention. The claim limitations determining an input location, determining results

locations, and recording said input location and said results locations for use in formatting

queries for each one of said databases were not described in the specification.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

6.   This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c)

and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7.   Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wu (US

6,553,364) in view of Kirsch et al. ("Kirsch", US 6,018,733).

As per claim 1, Wu teaches a method for the automatic harvesting and qualification of

dynamic database content comprising:

obtaining an initial categorization structure for organizing a plurality of subject areas of

information (Wu, Fig. 2);

obtaining a plurality of parametric information lists for optimizing operation to a user's

requirements (Wu, Fig. 3, col. 6, lines 10-21);

obtaining a query from the user, said query being associated with a subject area (Wu, col.

6, lines 61-67);

submitting said query (Wu, col. 6, line 61 - col. 7, line 5);

acquiring a collection of responsive content (Wu, Fig. 1, element 30, issues a search request, element 32, retrieves search result);

indexing said responsive content to form an index of facilitating searching said collection of responsive content (Wu, Fig. 3, element 22, word index, col. 3, lines 10-21);

publishing a summary of said collection of responsive content for review by the user (Wu, Fig. 5).

Wu discloses obtaining a list of categories and submitting the query to a qualified category. However, Wu does not explicitly disclose obtaining a candidate database listing having a plurality of databases each having a collection of content; and acquiring a listing of a plurality of qualified databases from said candidate database listing by matching each one of a candidate databases to said plurality of subject areas; submitting said query to said plurality of qualified databases. Kirsch teaches obtaining a candidate database listing having a plurality of databases each having a collection of content; and acquiring a listing of a plurality of qualified databases from said candidate database listing by matching each one of a candidate databases to said plurality of subject areas; submitting said query to said plurality of qualified databases (Kirsch, Abstract, col. 4, lines 37-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a list of candidate databases and submit the query to a qualified database in the system of Wu because the content in the qualified databases are more relevant to the query than other contents in other databases. This ensures the search retrieves desired results in a short time.

8.   Claims 2-14 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Wu (US 6,553,364) in view of Kirsch et al. ("Kirsch", US 6,018,733) and further in view of

Ferguson et al. ("Ferguson", US 6,237,011 B1).

As per claim 2, Wu and Kirsch teach all the claimed subject matters as discussed in claim

1, and further teach obtaining a candidate database listing providing a plurality of databases to be

considered for said step of acquiring a plurality of qualified databases (Kirsch, Abstract, col. 4,

lines 37-67); obtaining a stop list providing a plurality of terms to be excluded for said step of

indexing said responsive content (Kirsch, col. 7, lines 27-35). However, neither Wu nor Kirsch

teaches obtaining an exclusion list providing a plurality of terms and sources to inhibit

associations for said step of acquiring a collection of responsive content; obtaining an inclusion

list providing a plurality of terms and sources restricting associations for said step of acquiring a

collection of responsive content.

Ferguson teaches obtaining an exclusion list providing a plurality of terms and sources to

inhibit associations for said step of acquiring a collection of responsive content; obtaining an

inclusion list providing a plurality of terms and sources restricting associations for said step of

acquiring a collection of responsive content (Ferguson, col. 9, lines 1-15). Therefore, it would

have been obvious to one of ordinary skill in the art at the time the invention was made to obtain

an exclusion and inclusion list in order to give the user control what he/she wants to receive.

As per claim 3, Wu and Kirsch teach all the claimed subject matters as discussed in claim

1, except for explicitly disclosing capturing an initial page from each one of said plurality of

candidate databases; evaluating said initial page for relevancy to said each one of said subject

areas; qualifying databases according to relevance to said subject areas; associating said qualified

databases with said subject areas. Ferguson teaches using a seed document to categorize documents (Ferguson, col. 8, lines 15-21). It is well known in the art that a system or user can use a seed document to categorize documents and identify its subject area.

As per claim 4, Wu, Kirsch and Ferguson teach all the claimed subject matters as discussed in claim 3, and further teach obtaining a database relevancy parameter for restricting the qualification of databases below a minimum threshold value; comparing the relevance of each initial page to said relevancy parameter; removing each candidate database with a relevancy below said minimum threshold value from qualification (Kirsch, col. 4, lines 37-67).

As per claim 5, Wu, Kirsch and Ferguson teach all the claimed subject matters as discussed in claim 1, and further teach submitting a query to each one of said databases (Kirsch, col. 4, lines 37-67); capturing a plurality of pieces of responsive content provided by each one of said databases (Wu, col. 7, lines 1-23); evaluating each one of said plurality of pieces of responsive content for relevancy to said query (Wu, col. 7, lines 1-23); assigning a numerical score to each one of said plurality of pieces of responsive content, said numerical score representing a degree of relevance to said query (Wu, col. 6, lines 41-60); developing an aggregate score for each one of said databases (Wu, col. 6, lines 41-60); selecting databases to be polled for content based upon said aggregate score (Wu, col. 6, lines 41-60).

As per claim 6, Wu, Kirsch and Ferguson teach all the claimed subject matters as discussed in claim 5, and further teach obtaining a content parameter limiting the number of pieces of content to be captured from each one of said databases (Ferguson, col. 9, lines 1-15); obtaining an initial weighting of each one of said pieces of responsive content from said database (Wu, col. 6, lines 41-60); selecting a quantity of pieces of responsive content limited by said

content parameter such that pieces of responsive content with a relatively greater initial weighting are selected before pieces of responsive content with a relatively lesser initial weighting (Wu, col. 6, lines 41-60).

Claim 7 is rejected on grounds corresponding to the reasons given above for claims 2-6.

As per claim 8, Wu, Kirsch and Ferguson teach all the claimed subject matters as discussed in claim 1, and further teach analyzing an initial page from each one of said plurality of qualified databases for formatting (Wu, col. 5, lines 1-14); determining an input location for passing queries by said initial page to each one of said plurality of databases; determining results locations for capturing search results returned from each one of said plurality of databases; recording said input location and said results locations for use in formatting queries for each one of said databases (The applicants does not disclose the limitations determining an input location and determining results locations in the specification. Wu teaches a search engine, Fig. 1 & 5. a search engine obviously determines an input location in order to allow the user to input search request).

As per claim 9, Wu, Kirsch and Ferguson teach all the claimed subject matters as discussed in claim 1, and further teach comparing each piece of responsive content to each one of said subject areas in said initial categorization structure (Wu, col. 5, lines 1-14); matching each piece of responsive content to subject areas based on relevance of the responsive content to the subject areas (Wu, col. 5, lines 1-14); filtering matches to optimize said categorization structure (Wu, col. 5, lines 1-14).

As per claim 10, Wu, Kirsch and Ferguson teaches all the claimed subject matters as discussed in claim 9, and further teaches obtaining a population parameter for limiting a number

of pieces of responsive content which may be matched to any one subject area (Wu, col. 12, lines

45-53); obtaining an occurrence parameter for limiting a number of subject areas to which any

one piece of responsive content may be matched (Wu, col. 12, lines 45-53); restricting matches

for each one of said subject areas according to said occurrence parameter and said population

parameter (Wu, col. 12, lines 45-53). Wu and Kirsch do not explicitly disclose removing

duplicate pieces of responsive content. Ferguson teaches monitoring the document duplicates

(Ferguson, col. 17, lines 19-20). Therefore, it would have been obvious to one of ordinary skill

in the art at the time the invention was made to monitor document duplicates and remove the

duplicate pieces of document in order to organize the document neatly and save storage space.

As per claim 11, Wu, Kirsch, and Ferguson teach all the claimed subject matters as

discussed in claim 9, and further teach obtaining an exclusion list to inhibit matches based on

predetermined words and sources (Ferguson, col. 9, lines 1-15); obtaining an inclusion list to

restrict matches based on predetermined words and sources (Ferguson, col. 9, lines 1-15);

matching each piece of responsive content with subject areas according to said exclusion list and

said inclusion list (Ferguson, col. 9, lines 1-15).

As per claim 12, Wu, Kirsch, and Ferguson teach all the claimed subject matters as

discussed in claim 9, and further teach creating a categorization file for recording matches

between each piece of responsive content and each subject area (Ferguson, col. 6, line 55 – col.

9, line 37); saving said categorization file to a storage medium for use in searching said

collection of responsive content (Ferguson, col. 6, line 55 – col. 9, line 37).

As per claim 13, Wu, Kirsch and Ferguson teaches all the claimed subject matters as

discussed in claim 1, and further teaches obtaining a stop list providing a list of words not to be

indexed (Wu, col. 6, lines 19-22); parsing each piece of responsive content into constituent words (Wu, col. 6, line 10 - col. 7, line 67); eliminating words of said responsive content occurring on said stop lists (Wu, col. 6, lines 61-67); recording a location of every occurrence of constituent words in said collection of responsive content (Wu, col. 8, line 52 - col. 9, line 8).

As per claim 14, Wu, Kirsch and Ferguson teach all the claimed subject matters as discussed in claim 1, and further teach determining if a summary is provided for each piece of said responsive content; examining each piece of said responsive content for keywords associated with each subject area; developing a keyword summary score for each piece of responsive content; examining each piece of said responsive content for relevant extracts forming an extract summary; developing an extract score for each piece of responsive content; comparing said keyword summary score to said extract score for a summary composite score; selecting said keyword summary if a predetermined summary value is exceeded by said summary composite score; selecting said extract summary if a predetermined summary value if not exceeded by said summary composite score (Kirsch, col. 5, lines 47-55, Ferguson, col. 18, lines 51-57).

Claims 16-20 rejected on grounds corresponding to the reasons given above for claims 1-14.

9.   Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Redfern (6,078,914).

As per claim 15, Redfern teaches a system for the automatic harvesting and qualification of dynamic database content comprising:

a computer system having a communication means for communicating with at least one other computer including a database to facilitate the two-way flow of information between said computer system and the at least one other computer (Redfern, col. 4, lines 8-27);

said computer system having a storage means for retention and recall of data communicated by or to the at least one other computer (Redfern, col. 4, lines 8-27);

said computer system having a processing means for executing multiple software modules and performing comparisons between a user supplied query and a plurality of documents found in at least one other computer (Redfern, col. 4, lines 8-33);

an index for storing a plurality of pre-approved internet sites to be included in a series of queries (Redfern, col. 2, line 47 – col. 3, line 45);

a configuration module adapted for translating a generic query into site-specific dialects such that a single user defined query may be directed to multiple sites automatically (Redfern, Abstract, col. 4, lines 8-33);

a selection module adapted for characterizing said plurality of documents returned by the database of the at least one other computer and associated with said user defined query (Redfern, col. 2, line 47 – col. 3, line 45);

a results index to allow for rapid recovery of specific portions of any one of said plurality of documents characterized by said selection module (Redfern, col. 2, line 47 – col. 3, line 45); and

a generator module for automatically generating at least one results page for the user conveying information associated with any one of said plurality of documents associated with said query (Redfern, col. 2, line 47 – col. 3, line 45).

Redfern does not explicitly disclose a result index. However, it is well known in the art that a search provides a results index in order to organize and rank the results and allow the user to rapidly retrieve the results.

Response to Arguments

10.   Applicant's arguments, see page 15, filed on 21 May 2004, with respect to the rejection(s) of claim(s) 1-3, 5-6 and 8-15 under 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Kirsch et al. (6,018,733) and Ferguson et al. (6,237,011). Please see the detailed rejection above.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chongshan Chen whose telephone number is 703-305-8319. The examiner can normally be reached on Monday - Friday (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703)305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 3, 2004

SHAHID ALAM
PRIMARY EXAMINER